

Remarks

Applicants would like to thank the examiner for the review of the present application. Claims 1-24 are currently pending in the application. Applicants have amended claim 23.

Claim Rejections – 35 USC 102

The Office Action of October 10, 2007 rejected claim 24 under 35 USC 102(e) as being anticipated by US Patent Publication 2005/0154499 (Aldridge, hereinafter “Aldridge”).

Claim 24 defines, in relevant part, a method for providing distributed utilities including providing a generator to a user, monitoring at least one index of usage, and charging the user on the bases of the index of usage.

Aldridge fails to teach such a method. In particular Aldridge does not teach charging a user on the basis of an index of generator usage, as required by claim 24. The Office Action suggests that Aldridge determines the cost of running the generator and monitors the usage so that an accurate charge can be given to each customer. Applicants agree that Aldridge determines a cost of operation. However, Aldridge determines the cost of operation solely for the purpose of comparing the cost to the cost of energy from the energy grid (page, 2, paragraph 11). Aldridge then uses this comparison to determine whether to use energy from the energy grid or run the generator. Aldridge does not charge the user based on an index of usage. In fact, Aldridge fails to disclose charging the user on any basis. Rather, as mentioned above, any cost calculation performed by Aldridge is for the purpose of determining whether or not to operate the generator (e.g., as opposed to getting energy from the grid). Therefore, Applicants respectfully submit that claim 24 is allowable over Aldridge.

Claim Rejections – 35 USC 103

The Office Action rejected claims 1-2, 11-13, and 21-23 under 35 USC 103 (a) as being unpatentable over US Patent Publication 2002/0024332 (Gardner, hereinafter “Gardner”) in view of U.S. Patent Publication 2005/0188745 (Staphanos, hereinafter “Staphanos”).

Claim 1 defines, in relevant part, a monitoring system for distributed utilities including a generation device, an input sensor, an output sensor, a local controller, and a remote controller. The local controller concatenates the measured input and consumption of output on the basis of

the input and output sensors. The remote controller modifies the operation of the generation device based on the concatenated input and consumption of output.

Gardner fails to teach such a monitoring system. Rather, Gardner's electric power monitoring system compares the momentary power output of a power system with a reference load capacity. Gardner uses this comparison to determine the ability of the electrical power system to handle additional load. (page 2, paragraph 8) Gardner fails to teach a local controller that concatenates the input and consumption of output, as required by claim 1. As is known in the art, "concatenate" means to link two things together (e.g., in a chain) or to join character strings end to end. Gardner fails to teach this. Rather, as mentioned above, Gardner merely compares the input and the output to determine whether the device can handle additional load.

Additionally, Gardner fails to teach or suggest a remote controller that controls the monitoring system based on the concatenated input and consumption of output. The Office Action adds Staphanos to teach this limitation. However, Staphanos fails to teach the deficiencies of Gardner. In particular, Staphanos teaches a system for generating electricity and a system for monitoring the electricity generator. To the extent that Staphanos teaches a remote controller, Staphanos' remote controller does not control the generator based on a concatenated input and consumption of output. Instead, Staphanos merely mentions that the data collected from the generators can be used to control and select on-line generators. (page 6, paragraph 53) Staphanos makes no mention of concatenating an input and a consumption of output and then controlling (via a remote controller) the generators based on the concatenated input and consumption of output. Additionally, because Gardner also fails to teach the concatenation of the input and consumption of output, Staphanos' remote controller fails to teach all of the elements of claim 1, even when combined with Gardner. Therefore, since neither Gardner nor Staphanos teach or suggest, alone or in combination, all limitations of claim 1, the combination cannot make the claims obvious. Applicants respectfully submit that dependent claims 2 and 11-13, which depend from claim 1, are also allowable over the combination of Gardner and Staphanos for at least the same reasons.

In a manner similar to claim 1, claim 21 and amended claim 23 also include a local controller that concatenates an input and consumption of output and a remote controller that modifies the operation of the generation device based on the concatenated input and consumption of output. Therefore, for the reasons stated above with regard to claim 1,

Applicants respectfully submit that claims 21 and 23 are allowable over the combination of Gardner and Staphanos. Additionally, dependent claim 22, which depends from claim 21, is allowable over Gardner and Staphanos for at least the same reasons.

The Office Action also rejected claims 1, 5-7, 9-10 under 35 USC 103(a) as being unpatentable over US Patent No. 6,408,227 (Singhvi, hereinafter “Singhvi” in view of Staphanos

As discussed above, claim 1 requires a local controller that concatenates an input and a consumption of output and a remote controller that modifies the operation of the generator based on the concatenated input and consumption of output.

Singhvi fails to teach or suggest such a monitoring system. Rather, Singhvi teaches a system and method for controlling effluents in water treatment systems. Although Singhvi discloses a controller, an input sensor, and an output sensor, Singhvi’s controller uses the data collected from the input and output sensors to predict and adjust water treatment processes (col. 9 line 1 through col. 10, line 8). Singhvi fails to measure, concatenate, and then modify the operation based on the concatenated input and consumption of output. In fact, the Singhvi makes no mention of measuring the consumption of output.

The office action suggests that Singhvi’s output sensor 250 measures the consumption of output and Singhvi’s controller unit 260 concatenates the measured input and consumption of output. Applicants disagree. Although, Singhvi’s output sensor 250 includes a plurality of sensor units 252 (col. 7, line 65 through col. 8, line 22) that sense water quality and quantity parameters, Singhvi fails to suggest that the sensor units 252 measure a consumption of output, as required by claim 1. Additionally, the table relied upon by the Office Action (table 1, col. 9) also fails to indicate that Singhvi measures the consumption of output. Rather, Table 1 merely lists a variety of water quality parameters such as pH, hardness, alkalinity, etc.

Moreover, even if Singhvi disclosed measuring a consumption of output, Singhvi fails to teach a local controller that concatenates an input and the consumption of output. Rather, Singhvi merely passes the data to the controller unit 260. The controller unit 260 includes a variety of units that perform various functions (e.g., prediction, monitoring, regulatory requirements, etc.). However, nowhere does Singhvi teach or suggest that the controller unit 260 concatenates input and consumption of output data.

Additionally, Singhvi fails to teach a remote controller that modifies the operation of the system based on the concatenated input and consumption of output. The Office Action adds

Staphanos to teach this limitation. However, as discussed above, Staphanos fails to teach or suggest such a remote controller. Additionally, because Singhvi fails to concatenate the input and consumption of output, Staphanos' remote controller fails to teach all of the elements of claim 1, even when combined with Singhvi. Therefore, since neither Singhvi nor Staphanos teach or suggest, alone or in combination, all limitations of claim 1, the combination cannot make the claim obvious. Applicants respectfully submit that dependent claims 5-7 and 9-10, which depend from claim 1, are also allowable over the combination of Singhvi and Staphanos for at least the same reasons.

The Office Action also rejects claims 14-16 under 35 USC 103(a) as being unpatentable over Singhvi in view of Staphanos in further view of US Patent Number 6,954,701 (Wolfe, hereinafter "Wolfe").

As dependent claims of claim 1, claims 14-16 include all of the limitations of claim 1 and any intervening claim. Therefore, dependent claims 14-16 are allowable over Singhvi and Staphanos for at least the same reasons as discussed above for claim 1.

Additionally, Wolfe fails to teach the deficiencies of Singhvi and Staphanos. Instead, Wolfe simply collects localized data from sensors located at the equipment site and transmits the data to an internet server computer 20 for remote viewing. Nowhere does Wolfe teach or suggest a local controller that concatenates an input and consumption of output nor a remote controller that modifies the operation of the system based on the concatenated input and consumption of output. Therefore, since Singhvi, Staphanos, and Wolfe fail to teach or suggest, alone or in combination, all of the limitations of claims 14-16, the combination cannot make the claims obvious.

The Office Action also rejected claims 18-20 under 35 USC 103(a) as being unpatentable over Singhvi in view of Staphanos in further view of US Patent Number 6,568,416 (Tucker, hereinafter "Tucker").

As dependent claims of claim 1, claims 18-20 include all of the limitations of claim 1 and any intervening claim. Therefore, dependent claims 18-20 are allowable over Singhvi and Staphanos for at least the same reasons as discussed above for claim 1.

Additionally Tucker fails to teach the deficiencies of Singhvi and Staphanos. In particular, to the extent that Tucker has a controller, the Tucker controller regulates the discharge pressure of an end-gun to adjust the throw radius. Tucker's controller neither concatenates an

input and consumption of output nor modifies the operation of a generation device based on the concatenated input and consumption of output, as required by the pending claims. Therefore, since Tucker fails to teach the deficiencies of Singhvi and Staphanos and the combination fails to teach or suggest, alone or in combination, all limitations of claims 18-20, the combination cannot make the claims obvious.

The Office Action rejected claim 4 under 35 USC 103 (a) as being unpatentable over Singhvi in view of Staphanos in further view of U.S. Patent Publication No. 2003/0220717 (Underwood, hereinafter "Underwood").

As dependent claims of claim 1, claim 4 includes all of the limitations of claim 1 and any intervening claim. Therefore, dependent claim 4 is allowable over Singhvi and Staphanos for at least the same reasons as discussed above for claim 1.

Additionally, to the extent that Underwood has a controller, Underwood controls and monitors flow of water through a water treatment system. However, Underwood does not modify the operation of a generation device based on a concatenated input and consumption of output. In fact, Applicants can find no teaching or suggestion in Underwood to concatenate the input with the consumed output, therefore, a fortiori, there can be no modification of operation on the basis of such a concatenation. Therefore, since neither Singhvi, Staphanos, nor Underwood teach or suggest, alone or in combination, all limitations of claim 4, the combination cannot make the claims obvious.

The Office Action rejected claim 3 and 8 under 35 USC 103 (a) as being unpatentable over Singhvi in view of Staphanos in further view of U.S. Patent No. 5,808,277 (Dosani, hereinafter "Dosani").

As dependent claims of claim 1, claims 3 and 8 include all of the limitations of claim 1 and any intervening claim. Therefore, dependent claims 3 and 8 are allowable over Singhvi and Staphanos for at least the same reasons as discussed above for claim 1.

Although Dosani is related to water treatment, it is relevant only to the extent that it monitors a temperature and has an auto-shut off feature. Nowhere does Dosani teach or suggest a remote controller that modifies the operation of a generation device based on a concatenated input and consumption of output, as required by claims 3 and 8. Therefore, since Singhvi, Staphanos and Dosani fail to teach or suggest, alone or in combination, all limitations of claims 3 and 8, the combination cannot make the claims obvious.

For the foregoing reasons all of the claims of the present invention are patentable over the art of record. It is believed that all of the claim rejections have been addressed and that the application is now in condition for allowance. Reconsideration of the claims and issuance of a notice of allowance are respectfully requested. If any matter arises which may expedite issuance of a notice of allowance, the Examiner is requested to call the undersigned, at the telephone number given below.

Applicants do not believe that an extension of time is required. However, if an extension of time is, in fact, required, Applicants request that the associated extension fee be charged to Deposit Account No. 19-4972. Applicants also request that any other fee required for timely consideration of this application be charged to Deposit Account No. 19-4972.

Respectfully submitted,

/Jonathan C. Lovely, #60,821/

Jonathan C. Lovely
Reg. No. 60,821
Attorney for Applicant

BROMBERG & SUNSTEIN LLP
125 Summer Street
Boston MA 02110-1618
Tel: 617 443 9292 Fax: 617 443 0004
01062/00E19 764571.1